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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,160	06/28/2003	Donald A. Cooke	012720 60	1159

24239 7590 02/05/2004

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DURHAM, NC 27705

EXAMINER
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PIHULIC, DANIEL T

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/604,160

Applicant(s)

COOKE ET AL.

Examiner

Daniel Pihulic

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7,8,10,14,15 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 2-6,9,11-13 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08012003</u> | 6) <input type="checkbox"/> Other: ____  |

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. Claim 15 is objected to because of the following informalities: in line 1, the second period does not appear to be necessary. Appropriate correction is required.

3. Claims 1, 7, 8, 10, 11, 14, 15 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the other components" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the second tube" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Applicant probably intended claim 7 to depend from claim 6 instead of claim 1.

Claim 8 recites the limitation "the second tube" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Applicant probably intended claim 8 to depend from claim 6 instead of claim 5.

Claim 10 recites the limitation "the folded first end" in line 2. There is insufficient antecedent basis for this limitation in the claim. Applicant probably intended claim 10 to depend from claim 9 instead of claim 7.

Claim 11 recites the limitation "the branches" in line \*\*\*. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the respective positioning tapes" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the optical fiber" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the other components" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the other components" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "the other components" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitations "the first end", "the first and second layers", "the second end", and "the strap". There is insufficient antecedent basis for this limitation in the claim. Applicant probably intended claim 18 to depend from claim 17.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Pihulic whose telephone number is 703-306-4168. The examiner can normally be reached on Monday through Thursday from 7 a.m. to 5 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 703-306-4171.

The fax phone numbers for the organization where this application or proceeding is assigned are:

703-872-9306 for official responses, and

703-746-3847 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
**Daniel Pihulic**  
**Primary Examiner**  
**Art Unit 3662**